

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No: 05-11386 WGY

GANNON & SCOTT, INC.)
Plaintiffs)
VS.)
PEGGY TOLAN,)
ELIZABETH TOLAN &)
SARAH TOLAN,)
Defendants)

**DEFENDANT ELIZABETH TOLAN'S ANSWER TO
PLAINTIFF'S COMPLAINT FOR STATUTORY INTERPLEADER**

1. Defendant is without sufficient information to admit or deny the averments contained in Paragraph One.
2. Defendant admits the averments contained in Paragraph Two of Plaintiff's Complaint.
3. Defendant admits the averments contained in Paragraph Three of Plaintiff's Complaint.
4. Defendant admits the averments contained in Paragraph Four of Plaintiff's Complaint.
5. Defendant admits the averments contained in Paragraph Five of Plaintiff's Complaint.
6. Defendant is without sufficient information to admit or deny the averments contained in Paragraph Six of Plaintiff's Complaint.
7. Defendant is without sufficient information to admit or deny the averments contained in Paragraph Seven of Plaintiff's Complaint.
8. Defendant is without sufficient information to admit or deny the averments contained in Paragraph Eight of Plaintiff's Complaint.
9. Defendant is without sufficient information to admit or deny the averments contained in Paragraph Nine of Plaintiff's Complaint.
10. Defendant admits the averments contained in Paragraph Ten of Plaintiff's Complaint.

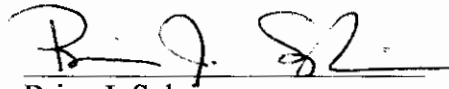
12. Defendant admits the averments contained in Paragraph Twelve of Plaintiff's Complaint.
13. Defendant is without sufficient information to admit or deny the averments contained in Paragraph Thirteen of Plaintiff's Complaint.
14. Defendant is without sufficient information to admit or deny the averments contained in Paragraph Fourteen of Plaintiff's Complaint.
15. Defendant admits the averments contained in paragraph fifteen of Plaintiffs Complaint.

WHEREFORE, Defendant prays for the following relief:

1. That the Court determine that Defendant Elizabeth Tolan is entitled to 50% of retirement plan proceeds of the late Edward Tolan;
2. That the Court determine that the Defendant Peggy Tolan is prohibited from claiming any of the proceeds of the Estate as a result of her criminal conduct;
3. That the Court determine that the Defendant Elizabeth Tolan have any and all further relief to which she may be justly entitled;

Respectfully Submitted,
Elizabeth Tolan
By Her Attorney

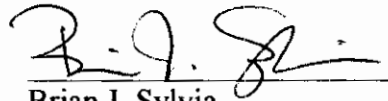
Dated July 13, 2005



Brian J. Sylvia
Watt & Sylvia
628 Pleasant Street
New Bedford, MA 02740
(508)984-1470
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CERTIFICATE OF SERVICE

I, Brian J. Sylvia, Attorney for the Defendants, Elizabeth Tolan and Sara Tolan hereby certify that I caused a true copy of the Defendant's Answer to Plaintiff's Complaint to be served upon the Plaintiff's Attorney, Linda Rykes Sloan of Salter, McGowen, Sylvia & Leonard of 321 South Main Street in Providence, RI 02903 and Peggy Tolan of MCI Framingham at 99 Loring Drive in Framingham, MA 01702 via first class mail this 13th day of July, 2005.

A handwritten signature in black ink, appearing to read "B.J. Sylvia", written over a horizontal line.

Brian J. Sylvia
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